**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH**

**THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929**

**WP(C).No. 22284 of 2004(C)**
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**PETITIONER:**
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**E.R.SURESH, AGED 35 YEARS,**
**S/O. RAMAKRISHNAN, RESIDING AT**
**EDAYADIKUNNEL, MUTHALAKODAM P.O.,THODUPUZHA,**
**IDUKKI DISTRICT, (ATTENAR (RELIEVED)**
**MUTHALAKODAM SERVICE CO-OPERATIE BANK LTD.)**

**BY ADV. SRI.JOICE GEORGE.**

**RESPONDENTS:**
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1. **THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, IDUKKI, OFFICE OF THE JOINT REGISTRAR PAINAVU P.O., IDUKKI.**
2. **THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES, THODUPUZHA, THODUPUZHA P.O IDUKKI DISTRICT.**
3. **THE MUTHALAKODAM, SERVICE CO-OPERATIVE BANK LTD., NO.1403 MUTHALAKODAM P.O., THODUPUZHA, IDUKKI DISTRICT.**

**BY ADV. SRI.V.M.KURIAN,**
**SRI.A.V.THOMAS,**
**SRI.MATHEW B. KURIAN,**
**SRI.K.T.THOMAS,**
**SMT.TULASI PANICKER.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**W.P.(C). NO.22284/2004:**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P.1: COPY OF THE LETTER NO. 1756/11-98 26/11/1998 ISSUED BY SECRETARY OF R.3. TO THE PETITIONER.**

**EXT.P.2: COPY OF THE REPRESENTATION DT. 15/02/2002 FILED BY PETITIONER BEFORE THE R.2.**

**EXT.P.3: COPY OF THE LEDGER COPY OF SUBSISTENCE ALLOWANCE REMITTANCE OF PETITIONER.**

**EXT.P.4: COPY OF THE COMPLAINT DT. 27/06/03 FILED BY THE PETITIONER BEFORE THE R.1.**

**EXT.P.5: COPY OF THE PROCEEDINGS NO. CRP 2781/03 DT. 08/07/03 BY R.1.**

**EXT.P.6: COPY OF THE ORDER NO. CRP 4254/03/L. DIS. DT. 09/10/2003 ISSUED BY R.1.**

**RESPONDENT'S EXHIBITS:**

**EXT. R3.A: COPY OF THE ORDER DTD. 01/11/1999 DEMOTING THE PETITIONER.**

**EXT. R3.B: COPY OF THE COMMUNICATION DTD. 13/07/2001 ISSUED BY CONCURRENT AUDITOR TO R.3.**

**EXT.R3.C: COPY OF THE AGREEMENT DTD. 17/04/2003 EXECUTED BY PETITIONER.**

**//TRUE COPY//**

**prv.**

**KURIAN JOSEPH, J.**

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**W.P(C)No.22284 of 2004**

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**Dated this the 14th day of June, 2007**

**JUDGMENT**

Petitioner is aggrieved by the recovery of subsistence allowance already granted to him during the period of suspension. True, the period of suspension has been regularised as leave without allowance. It is now settled law that only to the extent of leave available to the credit of the petitioner as on the date of regularisation the recovery is permissible so as to avoid duplication. Without prejudice to such liberty the impugned orders are quashed with a direction to grant eligible amounts to the petitioner within a period of two months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.